

Form 3015-B Last Revised 9/21/06

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF VIRGINIA
Lynchburg Division**

**CHAPTER 13 PLAN
AND RELATED MOTIONS**

Name of Debtor(s): **Betty Lou Anderson**

Case No:

This plan, dated July 7, 2009, is:

☒ the first Chapter 13 plan filed in this case.

☐ a modified plan, which replaces the plan dated _____

The plan provisions modified by this filing are:

Creditors affected by this modification are:

NOTICE: YOUR RIGHTS WILL BE AFFECTED. You should read these papers carefully. If you oppose any provision of this plan, or if you oppose any included motions to (i) value collateral, (ii) avoid liens, or (iii) assume or reject unexpired leases or executory contracts, you MUST file a timely written objection.

This plan may be confirmed and become binding, and the included motions in paragraphs 3, 6, and 7 to value collateral, avoid liens, and assume or reject unexpired leases or executory contracts may be granted, without further notice or hearing unless written objection is filed on or before ten (10) days prior to the date set for the confirmation hearing and the objecting party appears at the confirmation hearing.

The debtor(s)' schedules list assets and liabilities as follows:

Total Assets:	\$	35,687.00
Total Non-Priority Unsecured Debt:	\$	45,526.00
Total Priority Debt:	\$	386.00
Total Secured Debt:	\$	36,715.00

1. **Funding of Plan.** The debtor(s) propose to pay the trustee the sum of \$ 92.00 per bi-weekly for 60 months. Other payments to the Trustee are as follows: _____ . The total amount to be paid into the plan is \$ 11,960.00 .

2. **Priority Creditors.** The Trustee shall pay allowed priority claims in full unless the creditor agrees otherwise.

A. Administrative Claims under 11 U.S.C. § 1326.

The Trustee will be paid 10% of all sums disbursed except for the funds returned to the debtor(s). Debtors attorney will be paid \$2,500.00 balance due of the total fee of \$2,500.00 .

B. Claims under 11 U.S.C. § 507.

The following priority creditors will be paid by deferred cash payments pro rata with other priority creditors or in monthly installments as below, except that allowed claims pursuant to 11 U.S.C. § 507(a)(1) will be paid prior to other priority creditors but concurrently with administrative claims above:

Creditor	Type of Priority	Estimated Claim	Payment and Term
VA Dept of Taxation	State Income Tax	\$386.00	pro rata

3. **Secured Creditors and Motions to Value Collateral.**

This paragraph provides for claims of creditors who hold debts that are secured by real or personal property of the debtor(s) but (a) are not secured solely by the debtor(s)' principal residence and (b) do not have a remaining term longer than the length of this plan.

A. Claims to Which Sec. 506 Valuation is NOT Applicable.

Claims listed in this section consist of debts secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor for which the debt was incurred within 910 days of the filing of the bankruptcy petition, or if the collateral for the debt is any other thing of value, the debt was incurred within 1 year of filing. See Sec. 1325(a)(5). After confirmation of the plan, the Trustee will pay to the holder of each allowed secured claim the monthly payment in column (f) based upon the amount of the claim in column (d) with interest at the rate stated in column (e). **Upon confirmation of the plan, the interest rate shown below will be binding unless a timely written objection to confirmation is filed and sustained by the Court.** Payments distributed by the Trustee are subject to the availability of funds.

(a) Creditor	(b) Collateral	(c) Purchase Date	(d) Estimated Claim Amount	(e) Interest Rate	(f) Monthly Payment and Estimated Term **
n/a					

B. Claims to Which Sec. 506 Valuation is Applicable.

Claims to Which §506 Valuation is Applicable. Claims listed in this subsection consist of any claims secured by personal property not described in Plan paragraph 3.A. After confirmation of the plan, the Trustee will pay to the holder of each allowed secured claim the monthly payment in column (f) based upon the replacement value as stated in column (d) or the amount of the claim, whichever is less, with interest at the rate stated in column (e). The portion of any allowed claim that exceeds the value indicated below will be treated as an unsecured claim. Upon confirmation of the plan, the valuation and interest rate shown below will be binding unless a timely written objection to confirmation is filed and sustained by the Court. Payments distributed by the Trustee are subject to the availability of funds.

(a) Creditor	(b) Collateral (% Estimated Claim Amount)	(c) Purchase Date	(d) Replacement Value	(e) Interest Rate	(f) Monthly Payment and Estimated Term **
n/a					

**** THE MONTHLY PAYMENT STATED HERE SHALL BE THE ADEQUATE PROTECTION PAYMENTS PURSUANT TO 1326(a)(1)(C) TO THESE CREDITORS UNLESS OTHERWISE PROVIDED IN PARAGRAPH 11 OR BY SEPARATE ORDER OF THE COURT.**

- C. Collateral to be surrendered.** Upon confirmation of the plan, or before, the debtor will surrender his or her interest in the collateral securing the claims of the following creditors in satisfaction of the secured portion of such creditors' allowed claims. To the extent that the collateral does not satisfy the claim, any timely filed deficiency claim to which the creditor is entitled shall be paid as a non-priority unsecured claim. The order confirming the plan shall have the effect of terminating the automatic stay as to the collateral surrendered

Creditor	Collateral Description	Estimated Total Claim	Full Satisfaction (Y/N)
Wells Fargo Auto Finance	2003 Ford Mustang	\$10,406.00	N

4. Unsecured Claims.

- A. Not separately classified.** Allowed non-priority unsecured claims shall be paid pro rata from any distribution remaining after disbursement to allowed secured and priority claims. Estimated distribution is approximately 10.00%. If this case were liquidated under Chapter 7, the debtor(s) estimate unsecured creditors would receive a dividend of approximately 0.00%.

B. Separately classified unsecured claims.

Creditor	Basis for Classification	Treatment
n/a		

5. Long Term Debts and Claims Secured by the Debtor(s)' Primary Residence.

Creditors listed below are either secured by the debtor(s)' principal residence or hold a debt the term of which extends beyond the term of this plan.

- A. Debtor(s) to pay claim directly.** The creditors listed below will be paid by the debtor(s) pursuant to the contract without modification, except that arrearages, if any, will be paid by the Trustee either pro rata with other secured claims or on a fixed monthly basis as indicated below.

Creditor	Collateral	Regular Contract Payment	Estimated Arrearage	Interest Rate	Estimated Cure Period	Monthly Arrearage Amount
HSBC Auto Finance	2008 Hyundai Sonata	\$634.70	\$2,000.00	0.00%	60 months	pro rata

- B. Trustee to pay the contract payments and the arrearages.** The creditors listed below will be paid by the Trustee the regular contract monthly payments during the term of this plan. The arrearage claims, if any, will be cured by the Trustee by payments made either pro rata with other secured claims or by fixed monthly payments as indicated below.

Creditor	Collateral	Regular Contract Payment	Estimated Arrearage	Interest Rate	Term for Arrearage	Monthly Payment
n/a						

6. Executory Contracts and Unexpired Leases. The debtor(s) move for assumption or rejection of the executory contracts and leases listed below.

- A. Executory contracts and unexpired leases to be rejected.** The debtor(s) reject the following executory contracts

Creditor	Type of Contract
n/a	

- B. Executory contracts and unexpired leases to be assumed.** The debtor(s) assume the following executory contracts. The debtor agrees to abide by all terms of the agreement. The Trustee will pay the pre-petition arrearages, if any, through payments made pro rata with other priority claims or on a fixed monthly basis as indicated below.

Creditor	Type of Contract	Arrearage	Monthly Payment for arrearage	Estimated cure period
n/a				

7. Motions to Avoid Liens.

- A. The debtor(s) move to avoid liens pursuant to 11 U.S.C. § 522(f).** The debtor(s) move to avoid the following judicial liens and non-possessory, non-purchase money liens that impair the debtor(s)' exemptions. **Unless a written objection is timely filed with the Court, the Court may grant the debtor(s)' motion and cancel the creditor's lien.** If an objection is filed, the Court will hear evidence and rule on the motion at the confirmation hearing.

Creditor	Collateral	Exemption Basis	Exemption Amount	Value of Collateral
n/a				

- B. Avoidance of security interests or liens on grounds other than 11 U.S.C. § 522(f).** The debtor(s) have filed or will file and serve separate pleadings to avoid the following liens or security interests. The creditor should review the notice or summons accompanying such pleadings as to the requirements for opposing such relief. The listing here is for information purposes only.

Creditor	Type Lien	Description of Collateral	Basis for Avoidance
n/a			

8. Treatment of Claims.

- All creditors must timely file a proof of claim to receive payment from the Trustee.
- If a claim is scheduled as unsecured and the creditor files a claim alleging the claim is secured but does not timely object to confirmation of the plan, the creditor may be treated as unsecured for purposes of distribution under the plan. This paragraph does not limit the right of the creditor to enforce its lien, to the extent not avoided or provided for in this case, after the debtor(s) receive a discharge.
- If a claim is listed in the plan as secured and the creditor files a proof of claim alleging the claim is unsecured, the creditor will be treated as unsecured for purposes of distribution under the plan.

- 9. Vesting of Property of the Estate.** Property of the estate shall revert in the debtor(s) upon confirmation of the plan. Notwithstanding such vesting, the debtor(s) may not sell, refinance, or encumber real property without approval of the court.

10. Incurrence of indebtedness. During the term of the plan, the debtor(s) shall not incur additional indebtedness in an amount exceeding \$5,000 without approval of the court.

11. Other provisions of this plan:

A. Additional Adequate Protection

Adequate Protection also consists of the following in this case:

☒ The Debtor's payment required by Paragraph 1 shall be made to the Trustee by wage deduction

☒ Insurance will be maintained on all vehicles securing claims to be paid by the Trustee pursuant to Paragraphs 3A and 3B

B. Date Debtor(s) to Resume Regular Direct Payments to Creditors that are being Paid Arrearages by the Trustee under Paragraphs 5A and 6B

Creditor	Month Debtor to Resume Regular Direct Payments
HSBC Auto Finance	August, 2009

C. Other:

Dated: 7/7/2009

/s/ Betty Lou Anderson
Debtor

/s/ Heidi Shafer
Debtor's Attorney

/s/
Joint Debtor

Exhibits: **Copy of Debtor(s)' Budget (Schedules I and J) if not previously mailed;
Matrix of Parties Served with plan**

Certificate of Service

I certify that on 7/31/2009, I mailed a copy of the foregoing to the creditors and parties in interest on the attached Service List.

/s/ Heidi Shafer

David Cox, David Wright, Janice Hansen & Heidi Shafer
900 Lakeside Drive, Lynchburg, VA 24501
434-845-2600, 434-845-0727 fax ecf@coxlawgroup.com

Debtor(s): Betty Lou Anderson

Case No:
Chapter 13WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

Allergy Asthma Center 2542 Jefferson Highway Waynesboro, VA 22980	Collection Company Of America PO Box 5012 Norwell, MA 02061-5012	Health Services Foundation Legal Collection Unit PO Box 3883 Charlottesville, VA 22903-0000
American General Financial Serv Statler Square Shopping Center 850 Statler Blvd STE 113 Staunton, VA 24401	Conrad R. Zapanta 831 Cantrell Avenue Harrisonburg, VA 22801	HSBC Auto Finance PO Box 17904 San Diego, CA 92177
AT&T PO Box 8212 Aurora, IL 60572-8212	Craven County Set off Officer Fin Dept 406 Craven St New Bern, NC 28560	HSBC Auto Finance Inc. Reg. Agent CT Corporation Syste 4701 Cox RD STE 301 Glen Allen, VA 23060
Augusta ER Physicians 78 Medical Center Drive Fishersville, VA 22939	Credit Adjustment Board Inc 306 East Grace Street Richmond, VA 23219	IC System Inc PO Box 64378 444 Hwy 96 East Saint Paul, MN 55164-0000
Augusta Medical Center 96 Medical Center Drive Fishersville, VA 22939-0000	CrediteK 335-365 New Commerce Blvd Wilkes Barre, PA 18701	Internal Revenue Service Insolvency Unit 400 North 8th St., Box 76 Richmond, VA 23219-0000
Augusta Medical Center PO Box 1000 Fishersville, VA 22939	Dr Carolyn Herring 907 Goose Creek Road STE 101 Fishersville, VA 22939	Internal Revenue Service*** P O Box 21126 Philadelphia, PA 19114-0000
Blue Ridge Radiologist 70 Med Center Dr STE 309 Fishersville, VA 22939	E-Recovery Solutions 1650 Cambria St NE Christiansburg, VA 24073	JC Penney Attn Bankruptcy PO Box 103106 Roswell, GA 30076
CAB 306 E. Grace Street Richmond, VA 23219	First Premier Bank PO Box 5524 Sioux Falls, SD 57117	JL Walston & Assoc. 326 S Main Street Emporia, VA 23847-2028
Capital One PO Box 30285 Salt Lake City, UT 84130	Harrisonburg Anesthesiology	Julia C. Dudley, Acting U.S. A Western District of Virginia PO Box 1709 Roanoke, VA 24008-1709
CCI PO Box 13167 Roanoke, VA 24031-3167	Health Services Foundation UVA PO Box 281184 Atlanta, GA 30384-1184	NCO Financial Systems, Inc. PO Box 987 Brookfield, WI 53008

Debtor(s): Betty Lou Anderson

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Case No:
Chapter 13WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

OSI Collection Services
PO Box 987
Brookfield, WI 53008

Wells Fargo Auto Finance Inc
Reg Agent Corp Service Co
11 S 12th Street / PO Box 1463
Richmond, VA 23218

Robert Anderson
6715 MillCreek Road
Millboro, VA 24460

Rockingham Memorial Hospital
235 Cantrell Avenue
Harrisonburg, VA 22801-0000

TEC Recovery
850 Sans Souri Parkway #391
Hanover Township, PA 18706

UVA Health Services
500 Ray C. Hunt Drive
Charlottesville, VA 22903-2981

Va Department Of Taxation*
Bankruptcy Unit
P O Box 2156
Richmond, VA 23218-0000

Valley Credit
PO Box 83
Staunton, VA 24401-0000

Valley Credit Services, Inc.
PO Box 83
Staunton, VA 24401-0000

Van Ru Credit Corporation
1350 E. Touhy Ave., Suite 100E
Des Plaines, IL 60018

Wells Fargo Auto Finance
PO Box 29704
Phoenix, AZ 85038

B6I (Official Form 6I) (12/07)

In re **Betty Lou Anderson**Case No _____
(if known)**SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S)**

The column labeled "Spouse" must be completed in all cases filed by joint debtors and by every married debtor, whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed. Do not state the name of any minor child. The average monthly income calculated on this form may differ from the current monthly income calculated on Form 22A, 22B, or 22C.

Debtor's Marital Status: Separated	Dependents of Debtor and Spouse	
	Relationship(s): Son Daughter	Age(s): 16 9
Employment:		
Debtor (# of additional employers: 1)		Spouse
Occupation	CNA	
Name of Employer	Avante at Waynesboro	
How Long Employed	10 years	
Address of Employer	1221 Rosser Avenue Waynesboro, VA 22980	

INCOME: (Estimate of average or projected monthly income at time case filed)

	DEBTOR	SPOUSE
1. Monthly gross wages, salary, and commissions (Prorate if not paid monthly)	\$1,809.17	\$0.00
2. Estimate monthly overtime	\$0.00	\$0.00
3. SUBTOTAL	\$1,809.17	\$0.00
4. LESS PAYROLL DEDUCTIONS		
a. Payroll taxes (includes social security tax if b. is zero)	\$374.79	\$0.00
b. Social Security Tax	\$0.00	\$0.00
c. Medicare	\$0.00	\$0.00
d. Insurance	\$0.00	\$0.00
e. Union dues	\$0.00	\$0.00
f. Retirement	\$0.00	\$0.00
g. Other (Specify) _____	\$0.00	\$0.00
h. Other (Specify) _____	\$0.00	\$0.00
i. Other (Specify) _____	\$0.00	\$0.00
j. Other (Specify) _____	\$0.00	\$0.00
k. Other (Specify) _____	\$0.00	\$0.00
5. SUBTOTAL OF PAYROLL DEDUCTIONS	\$374.79	\$0.00
6. TOTAL NET MONTHLY TAKE HOME PAY	\$1,434.38	\$0.00
7. Regular income from operation of business or profession or farm (Attach detailed stmt)	\$0.00	\$0.00
8. Income from real property	\$0.00	\$0.00
9. Interest and dividends	\$0.00	\$0.00
10. Alimony, maintenance or support payments payable to the debtor for the debtor's use or that of dependents listed above	\$200.00	\$0.00
11. Social security or government assistance (Specify) _____	\$0.00	\$0.00
12. Pension or retirement income	\$0.00	\$0.00
13. Other monthly income (Specify):		
a. Part-Time Job	\$900.00	\$0.00
b. _____	\$0.00	\$0.00
c. _____	\$0.00	\$0.00
14. SUBTOTAL OF LINES 7 THROUGH 13	\$1,100.00	\$0.00
15. AVERAGE MONTHLY INCOME (Add amounts shown on lines 6 and 14)	\$2,534.38	\$0.00
16. COMBINED AVERAGE MONTHLY INCOME (Combine column totals from line 15)	\$2,534.38	

(Report also on Summary of Schedules and, if applicable,
on Statistical Summary of Certain Liabilities and Related Data)

17. Describe any increase or decrease in income reasonably anticipated to occur within the year following the filing of this document:

Note: Due to Health Issues and Divorce. Debtor has cut back on work hours.

Note: Child Support is not court ordered.

B61 (Official Form 61) (12/07)
In re **Betty Lou Anderson**

Case No _____
(if known)

SCHEDULE I - CURRENT INCOME OF INDIVIDUAL DEBTOR(S)
Continuation Sheet No. 1

Additional Employment

Employment	Debtor	Spouse
Occupation Name of Employer How Long Employed Address of Employer	CNA Envoy Health of Staunton 512 Houston Street Staunton, VA 24401	
Employment	Debtor	Spouse
Occupation Name of Employer How Long Employed Address of Employer		

B6J (Official Form 6J) (12/07)

IN RE: **Betty Lou Anderson**Case No _____
(if known)**SCHEDULE J - CURRENT EXPENDITURES OF INDIVIDUAL DEBTOR(S)**

Complete this schedule by estimating the average or projected monthly expenses of the debtor and the debtor's family at time case filed. Prorate any payments made bi-weekly, quarterly, semi-annually, or annually to show monthly rate. The average monthly expenses calculated on this form may differ from the deductions from income allowed on Form 22A or 22C.

☐ Check this box if a joint petition is filed and debtor's spouse maintains a separate household. Complete a separate schedule of expenditures labeled "Spouse."

1 Rent or home mortgage payment (include lot rented for mobile home)		
a Are real estate taxes included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
b Is property insurance included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
2 Utilities:	a Electricity and heating fuel	\$150 00
	b Water and sewer	\$100 00
	c Telephone	\$65 00
	d Other: Cell Phone(s)	\$100.00
3 Home maintenance (repairs and upkeep)		\$25 00
4 Food		\$400 00
5 Clothing		\$50.00
6 Laundry and dry cleaning		\$50.00
7 Medical and dental expenses		\$50 00
8 Transportation (not including car payments)		\$150 00
9 Recreation, clubs and entertainment, newspapers, magazines, etc.		\$25 00
10 Charitable contributions		
11 Insurance (not deducted from wages or included in home mortgage payments)		
a Homeowner's or renter's		\$35 00
b Life		
c Health		
d Auto		\$86 00
e Other:		
12 Taxes (not deducted from wages or included in home mortgage payments)		\$53 00
Specify: Real Estate Taxes		
13 Installment payments: (In chapter 11, 12, and 13 cases, do not list payments to be included in the plan)		
a Auto: 2008 Hyundai Sonata		\$438.00
b Other:		
c Other:		
d Other:		
14 Alimony, maintenance, and support paid to others:		
15 Payments for support of add'l dependents not living at your home:		
16 Regular expenses from operation of business, profession, or farm (attach detailed statement)		
17 a Other: See attached personal expenses		\$557 00
17.b Other:		
18 AVERAGE MONTHLY EXPENSES (Total lines 1-17. Report also on Summary of Schedules and, if applicable, on the Statistical Summary of Certain Liabilities and Related Data.)		\$2,334.00
19 Describe any increase or decrease in expenditures reasonably anticipated to occur within the year following the filing of this document: Note: Debtor lives in "Family House", pays utilities & taxes. Note: Sonata payment ends in less than 60 months. Amount above is amortized.		
20 STATEMENT OF MONTHLY NET INCOME		
a Average monthly income from Line 15 of Schedule I		\$2,534 38
b Average monthly expenses from Line 18 above		\$2,334.00
c Monthly net income (a. minus b.)		\$200 38

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

IN RE: Betty Lou Anderson

CASE NO

CHAPTER 13

EXHIBIT TO SCHEDULE J

Itemized Personal Expenses

Expense	Amount
Personal Property Taxes	\$10.00
Cable/Satellite	\$62.00
Heating Fuel	\$100.00
Haircare & Grooming	\$45.00
Pet Care & Food	\$25.00
Child Care	\$300.00
Prescriptions	\$15.00
Total >	\$557.00